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Case No.: 2:09-cr-00115-RLH-PAL-1

ORDER

(Protective Abridged Motion to Vacate –
#102)

Petitioner/Defendant.

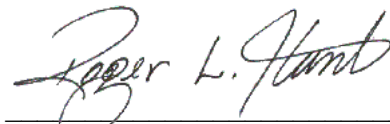
In the Motion Caraway notifies the Court that he filed an application in the Court of Appeals for the Ninth Circuit (“Circuit Court”) for leave to file a second or successive § 2255 motion in light of the Supreme Court’s recent decision in *Johnson v. United States*, 135 S.Ct. 2551 (2015). Additionally, Caraway requests that this Court issue an order holding his Motion in abeyance and deeming it filed *nunc pro tunc* to the date of the original filing. *See* First First Am. General Order 2015-03 (D. Nev. April 27, 2015); *see also Orona v. United States*, No. 16-70568, 2016 WL 3435692, at *2 (9th Cir. June 22, 2016) (per curium) (holding that “the filing of a second or successive application in our court tolls the 1-year statute of limitations ... until our court rules on the application”). The Court will grant Caraway’s Motion.

1 Accordingly, and for good cause appearing,

2 IT IS HEREBY ORDERED that Petitioner/Defendant Curtis Caraway's Notice of
3 Filing of Second or Successive Petition in the Ninth Circuit and Filing of Protective Abridged Motion
4 to Vacate Under 28 U.S.C. § 2255 (#102) is GRANTED. Caraway's Abridged Motion to Vacate
5 Under 28 U.S.C. § 2255 is stayed pending the Circuit Court's consideration of his application to file
6 a second or successive § 2255 motion.

7 IT IS FURTHER ORDERED that the Motion preserves the filing date of June 23, 2016
8 for statute of limitations purposes under *Johnson v. United States*, 135 S.Ct. 2551 (2015).

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12 Dated: July 18, 2016

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15 **ROGER L. HUNT**
16 **UNITED STATES DISTRICT JUDGE**
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